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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,514	06/09/2006	Hiroshi Kigawa	290248US3PCT	2904
22850 7590 01/21/2009 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER CHAN, KAWING	
			ART UNIT 2837	PAPER NUMBER
			NOTIFICATION DATE 01/21/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/582,514	Applicant(s) KIGAWA ET AL.	
	Examiner Kawing Chan	Art Unit 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 5,6,9 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/07/06 and 05/15/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of species IV, Figure 14, in the reply filed on 12/02/08 is acknowledged.

Claims 5-6 and 9-10 are withdrawn from consideration.

Claims 1-4 and 7-8 are pending for examination.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statements (IDS) submitted on 09/07/06 and 05/15/08 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by examiner.

Claim Objections

4. Claims 2 and 3 are objected to because of the following recited limitations: "acceleration/deceleration" and "accelerated/decelerated". Appropriate corrections are required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "the governor sheave" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pramanik et al. (US 5,299,661) in view of Mueller (US 2004/0079591 A1) and Sheridan et al. (US 5,183,979).

In Re claim 1, Pramanik discloses an emergency stop system for an elevator (10) (Abstract), Comprising:

- A governor rope (18) that moves in synchronism with raising and lowering of the car (10) (Figure 1);

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- A rope catching device (20) (Abstract & Figure 1) and a restraining portion (111a, 123a) (Col 3 lines 35-45);
- A braking portion (34, 36) (Figures 1-4) mounted in the car (10) and having a braking member () capable of coming into and out of contact with a guide rail (12) for guiding the car (10), the braking portion (34, 36) braking the car (10) by pressing the braking member () against the guide rail (12) when the governor rope (18) is restrained and the car (10) is displaced with respect to the governor rope (18) (Abstract, Col 4 line 20 to Col 6 line 63).

Pramanik fails to disclose a detection portion, although inherent, a control portion, and the rope catching device comprises an electromagnetic actuator, which is activated by an activation signal.

However, Mueller discloses a detection portion for detecting a speed and a position of a car (Paragraphs [0045-0051]), a control portion (2, 102) having a storage portion (13, 113) that stores, in correspondence with the position of the car, an overspeed setting level (Paragraphs [0050-0054, 0064]) set to be a value larger than the speed of the car during normal operation (Figure 4), the control portion (102) outputting an activation signal when the speed of the car becomes higher than the overspeed setting level at the position of the car obtained based on information from the detection portion (Paragraphs [0064-0068]). Also, Mueller discloses the safety device (100) of the speed governor is activated when an activation signal is transmitted from the control unit (102) to the actuator (127) (Paragraphs [0067, 0068]).

Nevertheless, Sheridan discloses rope catching device (10) (Figure 1) having an electromagnetic actuator (36) that is activated upon input of the activation signal (door-open movement signal from sensors (64, 66)), and a restraining portion (14, 16) that restrains the governor rope (2) upon activation of the electromagnetic actuator (36) (Col 2 line 64 to Col 4 lines 12).

Thus, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have modified the teachings of Pramanik with the teachings of Mueller and Sheridan, since it is known in the art to utilize encoder disc to determine speed of an elevator so that overspeed condition can be determined by comparing the actual speed of the elevator with the predetermined speed limit, and it is also known in the art to utilize a solenoid to activate a safety device of an elevator system so that the activation of the safety device can be controlled by energizing or de-energizing the solenoid.

In Re claim 2, Mueller teaches a hoistway in which the car is raised and lowered is provided with an acceleration/deceleration in which the car is accelerated/decelerated during normal operation and which adjoins a service floor for the car (Abstract, Paragraphs [0007, 0010, 0011]); and overspeed setting level in the acceleration/deceleration zone is set to become progressively smaller toward the service floor (Figure 4) (Paragraph [0073]).

In Re claim 3, Mueller teaches a reference position detecting portion is provided in the acceleration/deceleration zone, for detecting a position that serves as a reference for detecting the position of the car by the detection portion (Paragraphs [0049-0051]).

In Re claim 4, with reference to Figure 2, Mueller teaches the detection portion (110) is provided to a governor sheave (speed governor) around which the governor rope (cable) is wound (Paragraphs [0047, 0064, 0065]).

In Re claim 7, as we have discussed above, Pramanik teaches the restraining portion (Figure 1A: 111a, 123a) is a pressing member capable of displacement into and out of contact with the governor sheave (32a); and the pressing member (111a, 123a) is pressed against the governor sheave (32a) through the governor rope (28a) when overspeed condition is detected.

Pramanik fails to disclose the pressing member is activated by the electromagnetic actuator.

Sheridan teaches a solenoid (36) activated rope catching device (10) (Figure 1).

Thus, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have modified the rope catching device disclosed by Pramanik with the rope catching device disclosed by Sheridan. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention was made.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pramanik et al. (US 5,299,661) in view of Mueller (US 2004/0079591 A1) and Sheridan et al. (US 5,183,979) as applied to claim 7 above, and further in view of Okada et al. (US 6360847 B1).

In Re claim 8, as we have discussed above in claim 7, Pramanik in view of Sheridan teaches the rope catching device comprises the restraining portion and the pressing member, and the rope catching device would have been obvious to activate by an electromagnetic actuator, but they fail to disclose the rope catching device further comprises a ratchet gear and a latch.

However, Okada discloses the rope catching device (Figures 2 and 11) further has a ratchet gear (213) rotated integrally with the governor sheave (Figures 2 and 11), and a latch (26, 28) operating in an interlocking relation with the pressing member (215) and capable of coming into engagement with the ratchet gear; when the latch (26, 28) is engaged with the ratchet gear (213), the pressing member (215) is displaced due to a rotation force of the ratchet gear (213) to be pressed against the governor sheave (Figures 2 and 11) through the governor rope (3) (Col 2 line 14 to Col 3 line 51).

Thus, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have modified the teachings of Pramanik, Mueller and Sheridan with the teachings of Okada, since it is known in the art to utilize ratchet gear and latch in a rope catching device (as described in the rejection above) so as to be able to prevent movement of the governor sheave of an elevator in an emergency condition, such as overspeed or cable breakage.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takai, Skalski et al., Holland, Martin et al., Maury et al., Sasaki,

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Sanchez et al., Hugel, Yumura, Spiess, Jamieson et al., Thorne et al., Nakamura et al., Masaki, Ericson, Watanabe et al., Glaser, Tanaka et al., Korhonen, Ogasawara et al., Jin and Nagata et al. are further cited to show related teachings in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kawing Chan whose telephone number is (571)270-3909. The examiner can normally be reached on Mon-Fri 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Benson can be reached on 571-272-2227. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kawing Chan
Examiner
Art Unit 2837

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Primary Examiner, Art Unit 2837